

## REMARKS

### I. AMENDMENTS

Claims 1, 3-41 are currently pending in this application. In response to a Restriction Requirement dated December 12, 2007, group I claims, claims 1, 3-16, 37 and 38 were elected for examination. Claims 3, 5 and 38 have been amended to correct typographical errors. Support the amendment in claim 38 can be found throughout the specification and in, for example, page 17, second paragraph. No new matter has been added.

### II. ELECTION RESTRICTION

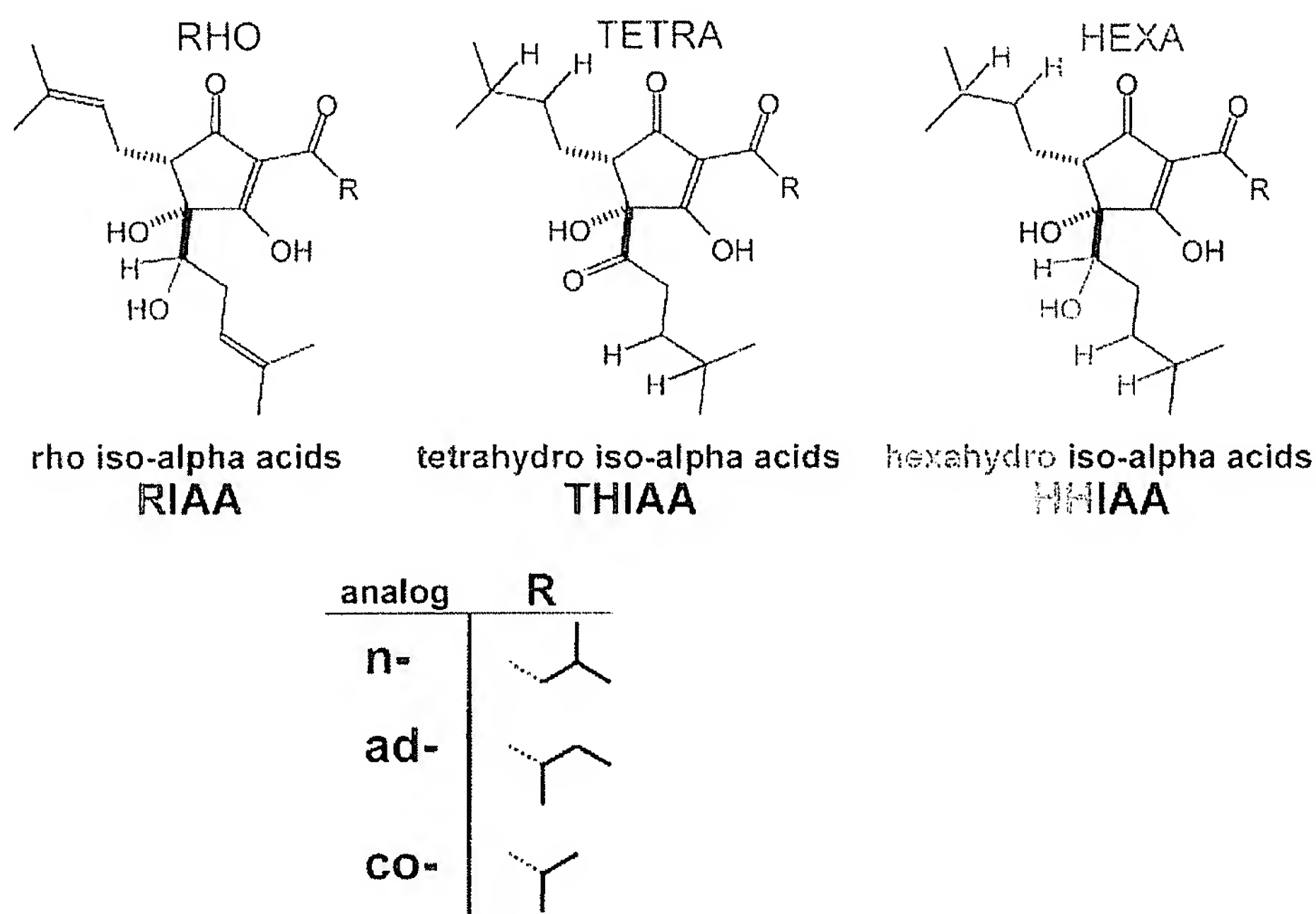
In response to the previous Restriction Requirement, in addition to election of group I claims, claims 1, 3-16, 37 and 38; Applicants also elected tetrahydro-isohumulone, with traverse, as a species of reduced isoalpha acids; and ibuprofen, with traverse, as a species of a non-aspirin, non-steroidal anti-inflammatory compound. Applicants previously submitted reasons for the traversals.

In the present Office Action dated 07/01/2008, the Office has issued a new Restriction Requirement in which it is alleged that “the invention is drawn to many different sources of the compounds. There are hundreds of different and distinct sources of the compounds. . . . Therefore, applicant is required to elect a specific source of the compound.”

To be responsive to the new Restriction Requirement, Applicants elect hop, with traverse, as the source of the reduced isoalpha acids claimed in claims 1, 3-16, 37 and 38. Applicants traverse this restriction for the at least the following reasons.

Contrary to the Office’s contention, Applicants submit that the invention as claimed is not drawn to many different sources of the compounds. Compounds claimed are independent of their sources, and the Office should not require the claims to be limited to a specific source. The restriction of the claims to hop-derived compounds is inappropriate as the claims as filed are not product by process claims and as such, the source of the compound is immaterial. The compound is the compound regardless of source, e.g., salt is salt whether from seawater or from a salt mine. Specifically with respect to the reduce isoalpha acid compounds claimed— dihydro isoalpha acids (Rho), tetrahydro isoalpha acids and hexahydro isoalpha acids—, no matter how

these compounds are produced (i.e., either derived from a botanical source or synthesized through a chemical reaction), their structure will not vary from what is shown and described throughout the application as filed. See, for example, Figure 2 and the reproduction of same shown below.



where n- refers to humulone, ad- to adhumulone and co- to cohumulone as recited in claim 6.

On page 3 of the Office Action, by alluding to U.S.C. 112, first paragraph, as a reason for the present Restriction Requirement, the Office appears to raise a written description issue for the sources of the reduced isoalpha acids compounds claimed. It appears that the Office requires the claims to be restricted to a specific source that is described in the specification. Applicants respectfully traverse this restriction requirement/ U.S.C. 112, first paragraph, rejection for at least the following reasons.

Applicants aver that the reduce isoalpha acids claimed are derived from isomerized alpha acids which are mainly obtained from hop. Although the main commercial source of alpha acids and recited dihydro isoalpha acids, tetrahydro isoalpha acids and hexahydro isoalpha acids is hop and hop-based starting materials; the claimed reduced isoalpha acid compounds are derivatives

and can also be obtained via a chemical reaction as recited in the specification as filed on page 13, paragraph 2.

Indeed since 1951, it has been well known that alpha acids can be chemically synthesized *de novo*. See Verzele, M. et al., "Chemistry and Analysis of Hop and Beer Bitter Acids" (1991), section 2.4 pp 36-43 (attached). Once alpha acids are obtained either by chemical synthesis or through extraction from hops, isoalpha acids and reduced isoalpha acids, tetrahydroisoalpha acids and hexahydroisoalpha acids can be derived from them through sequential isomerization and reduction reactions respectively. See Verzele et al. (above) at sections 5.4, pp 116-125, for synthesis of the isohumulones; and 6.5.2, pp 134-138, for borohydride reduction of the isohumulones (attached).

Therefore, in view of the level of and knowledge in the art and the specification as filed describing the hops derivatives on pages 12-13 and showing the chemical structures of the reduced isoalpha acids, tetrahydroisoalpha acids and hexahydroisoalpha acids in, for example, Figure 2 and elsewhere in the specification, Applicants aver that they have provided adequate disclosure to show that they were in possession of any and all dihyrdo isoalpha acids, tetrahydroisoalpha acids and hexahydroisoalpha acids from any and all sources. As such, the claims should not be limited to specific source for these compounds. Accordingly, Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement.

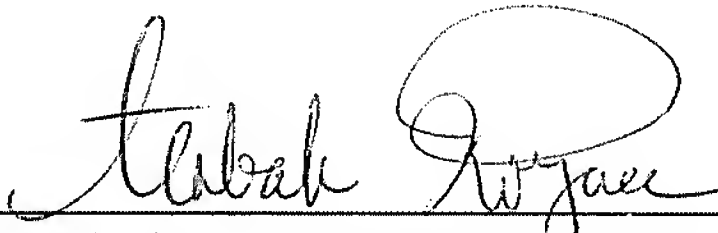
If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's agent at the telephone number shown below.

A Request for a Three (3) Month Extension of Time, up to and including November 21, 2008, is included herewith. Pursuant to 37 C.F.R. § 1.136(a)(2), the Examiner is authorized to charge any fee under 37 C.F.R. § 1.17 applicable in this instant, as well as in future communications, to Deposit Account 50-1133. Furthermore, such authorization should be treated in any concurrent or future reply requiring a petition for an extension of time under paragraph 1.136 for its timely submission, as constructively incorporating a petition for extension of time for the appropriate length of time pursuant 37 C.F.R. § 1.136(a)(3) regardless of whether a separate petition is included.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

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By:   
Atabak R. Royae, Reg. No. 59,037  
McDERMOTT WILL & EMERY LLP  
28 State Street  
Boston, MA 02109-1775  
Tel. (617) 535-4108  
Fax: (617) 535-3800